

DETAILED ACTION

Applicant's election with traverse of Group II, claims 4,6,7 and 17 with the elected species pyrimidine unit and the fluorene unit in the reply filed on 02/13/08 is acknowledged. The traversal is on the ground(s) that the claims in groups I, II and III require common elements and do not require an additional search. This is not found persuasive because the search is based on different classifications of the groups and constitute an undue burden in that the search for groups I and III do not require the co-monomer T, as required in group II, as elected invention.

In the case if the elected species are in condition for allowance, then the search is further expanded to non-elected species in claims 4, 6 and 7.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 6,7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al (5,876,864) of record on 1449.

The reference discloses the fluorene based alternating polymers groups containing acetylene group, as the claimed co-monomer T, and Ar group (see Abstract; col. 4, line 36 onto col. 7, line 9) represents heterocyclic compounds such as pyridine---

Art Unit: 1796

and heterocyclic compounds containing two nitrogen in the ring (see col. 6, right hand col.).

The disclosure of the reference differs from the instant claims in that it does not disclose the claimed pyrimidine unit. However, said pyrimidine unit and the pyridine unit and heterocyclic compound containing two nitrogen in the ring are included in the broad heterocyclic compound of the reference since they have the same functionality.

Therefore, it would have been obvious to one of ordinary skill in the art to select any heterocyclic compound from the reference within the limitation of the instant claims to get the products of the claimed formulae since they have been shown to be effective in a similar system and thus would have been expected to provide adequate results. There is no showing of unexpected results derived from said selection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Truong whose telephone number is 571-272-1081. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 571-272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1796

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Duc Truong/
Primary Examiner, Art Unit 1796